

about any such result it would be necessary to find in the Civil Service Act a declaration that the civil servants were to be relieved of their duties on holidays, and no such provision whether by implication or otherwise was to be found in the Civil Service Act up to 1918. Therefore, I should like to point out to my hon. friends on the other side of the House who have raised this question, that up to that time, and indeed up to the present time, the arrangement with regard to religious holidays such as are mentioned here was entirely a matter of custom and of convention in Ottawa. The civil servants were not entitled to them as a matter of right, but they received the privilege as a matter of custom and of convention. I want to make that absolutely plain to my hon. friends on the other side and to all the members of the House, because the effect of the Senate amendment is very closely related to that fact, which I believe to be undoubted, from the information supplied to me in the memorandum from which I have been quoting.

Now, in the Civil Service Act of 1918 we find this provision:

The deputy head may grant to each officer, clerk or other employee a yearly leave of absence for a period not exceeding eighteen days in any one fiscal year, exclusive of Sundays and holidays, after they have been at least one year in the service.

That provision as it appeared in the revised statutes of 1906, chapter 16, section 101, was as follows:

The head of a department may grant to each officer, clerk or other employee, leave of absence for purposes of recreation for a period not exceeding three weeks in each year.

My hon. friends will observe that in the section as it stood up to 1918 there was no reference to the Sundays and holidays. The word "holidays" was introduced for the first time in 1918, and it might be argued that by implication the provisions of the Interpretation Act were brought into force and therefore the holidays enumerated in the Revised Statutes ought to take effect in respect of the Civil Service. We made inquiry as to where this particular amendment came from and how it came to be introduced into the legislation of 1918; and the secretary of the Civil Service Commission informs us that there was no special reason for introducing it and that it was not the intention of the Civil Service Commission to bring about any such result as that which might be deduced from the use of the word in that way.

Now, I should like to point out that the introduction of a number of holidays into

[Sir Robert Borden.]

the Civil Service Act is undesirable for the reason that if such a provision is applied to the inside service it cannot very well be withheld from the outside service. A regulation was established last year by the Civil Service Commission and approved of by the Governor in Council which not only gives a special allowance to persons who work on a public holiday on which they are not required to work, but further provides that they are to be remunerated at the rate of "time and a half," as it is called. Therefore, to establish a number of holidays by the Civil Service Act might entail upon the public revenues of Canada a very considerable burden. We have addressed ourselves to the Civil Service Commission with regard to the Senate amendment and they have made a statement to us from which I extract the following:

The Civil Service Commission is of the opinion that this amendment should be approved inasmuch as none of these five days are observed as holidays in the banking or commercial world throughout the Dominion generally; and it is found that the closing of Government offices on these days is a matter of very serious inconvenience to the public.

The commission further advise that some years ago the civil servants enjoyed a holiday on Corpus Christi, St. Peter and St. Paul's day and other Saint days of the same nature; that these were struck off the list a number of years ago and that the reasons which led to such action are equally applicable to the elimination of the other days alluded to.

As a net result of what I have said I need only emphasize these two points: first, that up to 1918, and indeed up to the present time—because the Act of 1918 was never regarded as having the effect I have suggested—the arrangements with regard to the exemption of civil servants on certain days of religious observance has been entirely a matter of custom and convention and not a matter of law; and, second, as a consequence of that (putting aside for the moment the legislation of 1918), the amendment proposed by the Senate confers a right which was never conferred before, inasmuch as it gives the force of law to that which before had merely the force of custom and convention.

In the circumstances I hope that my hon. friends who have advanced their opinions, as it was their perfect right to do, with regard to this matter will realize that the Senate amendment is not of the character that they suggest. While it does not go so far as I would desire nevertheless it does give the force of law to an established custom as to certain days of religious ob-